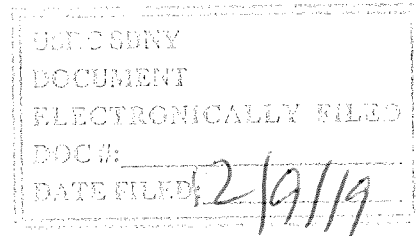


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



-----X
MELBOURNE RIDGE, JR.,

Plaintiff,

v.

DETECTIVE MICHAEL G. DAVIS, OFFICER
EMMANUEL LEON-MARTINEZ, OFFICER
YERMIA SOLOMON, OFFICER DAVID A.
LINDSAY, DETECTIVE DILLON A.
OTTINO, LIETENANT WILLIAM S. GOBLE,
and CHIEF ROBERT J. MIR,

Defendants.
-----X

SECOND AMENDED
ORDER OF SERVICE

18 CV 8958 (VB)

Briccetti, J.:

Plaintiff, who is proceeding pro se and in forma pauperis, commenced this action by filing a complaint dated September 23, 2018, alleging defendants violated his constitutional rights. (Doc. # 2). Thereafter, with leave of Court, plaintiff filed an Amended Complaint dated July 15, 2019, which replaced the original complaint and added five new defendants, including Police Officer (“P.O.”) Yermia Solomon. (Doc. #37).

On July 23, 2019, the Court issued an Amended Order of Service directing service of the amended complaint on the newly named defendants. (Doc. #38).

The U.S. Marshals Service attempted to serve P.O. Solomon but was unsuccessful. (Doc. #41). The unexecuted proof of service noted P.O. Solomon is “no longer employed” by the Monticello Police Department. (Id.).

On November 22, 2019, the Court issued an Order directing defense counsel to notify the Court of P.O. Solomon’s current or last known address so that service on P.O. Solomon may be

attempted. (Doc. #54). On December 6, 2019, defense counsel provided a current address for P.O. Solomon. (Doc. #55).

Accordingly, to allow plaintiff to effect service on P.O. Solomon through the U.S. Marshals Service, the Clerk of Court is instructed to fill out a U.S. Marshals Service Process Receipt and Return form ("USM-285 form") for this defendant. The Clerk of Court is further instructed to issue a summons listing P.O. Solomon and deliver to the Marshals Service all of the paperwork necessary for the Marshals Service to effect service upon this defendant. The service address for this defendant is appended to this Order.

It is plaintiff's responsibility to ensure that service is made within 90 days of the date the summons is issued and, if necessary, to request an extension of time for service. See Meilleur v. Strong, 682 F.3d 56, 63 (2d Cir. 2012).

Plaintiff also must notify the Court in writing if plaintiff's address changes, and the Court may dismiss the action if he fails to do so.

CONCLUSION

The Court directs the Clerk of Court to complete the USM-285 forms with the address for the listed defendant and deliver all documents necessary to effect service on this defendant to the U.S. Marshals Service.

The Clerk shall mail a copy of this Order to plaintiff at the address on the docket.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this Order would not be taken in good faith, and therefore in forma pauperis status is denied for the purpose of an

appeal. Cf. Coppedge v. United States, 369 U.S. 438, 444-45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

Dated: December 9, 2019
White Plains, New York

SO ORDERED:

A handwritten signature in black ink, appearing to read 'Vincent L. Briccetti', written over a horizontal line.

Vincent L. Briccetti
United States District Judge

APPENDIX

1. Police Officer Yermia Solomon
207 Ross Street
Brooklyn, New York 11211